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once shown to have been present, it is not necessary to show that he was remanded to jail at the conclusion of the proceedings for the day, though it usually so appears.

2. *NEW TRIAL—Misconduct of jury—Statements to jury out of court—Objections after verdict.* A motion for a new trial on the ground of the misconduct of the jury will not be granted where it appears that the misconduct consisted in hearing a statement of a witness out of court in the presence of the accused, but without objection on his part; and that after the jury returned into court the matter was called to the attention of the court, in the presence of the accused and his counsel, and an opportunity afforded them of cross-examining the witness, of which they refused to avail themselves, and no objection was made or exception taken till after the jury had rendered their verdict, and then for the first time on a motion for a new trial.

COCHRAN V. THE LONDON ASSURANCE CORPORATION.—Decided at Staunton, September 24, 1896.—*Cardwell, J.*:

1. *FIRE INSURANCE—Case at bar—Extension of time for suit—Inferences—Demurrer to evidence—Motion to set aside verdict.* The evidence of the plaintiff in this case, which is all that can be considered on a demurrer to the evidence, shows that the insurance company granted the plaintiff an extension of three months, after the time his right to sue would be barred by the terms of the policy, within which to institute an action; that the plaintiff accepted the benefit of the extension and relied on it; and that the action was brought within the extended period. Though there was evidence upon which the jury might have inferred that the benefit of the extension was not accepted, yet, upon a demurrer to the evidence, or a motion to set aside the verdict of the jury, the court is bound to that interpretation of the facts and that conclusion from the evidence which the jury have sanctioned by their verdict.

2. *FIRE INSURANCE—Extension of time for suit—Subsequent revocation or qualification.* After an insurance company has granted an extension of time within which an action may be instituted on one of its policies, it cannot withdraw it, nor attach conditions to it, without the consent of the party to whom the extension is granted.

PRISON ASSOCIATION OF VIRGINIA V. ASHBY.—Decided at Staunton, October 5, 1896.—*Buchanan, J.*:

1. *CONSTITUTIONAL LAW—Title of Act—Prison Association—Habeas corpus.* The Act of the General Assembly approved February 27, 1896, entitled "An Act in relation to commitments of minors to Prison Association of Virginia and their custody" (Acts 1895-'6, p. 521), is not in conflict with Art. V, sec. 15, of the Constitution of Virginia, but is a valid and constitutional law. Sec. 3 of the Act which gives the Circuit Court of the city of Richmond exclusive jurisdiction of all *habeas corpus* and other proceedings to test the right of the Association to retain custody of minors committed, surrendered, or received into its custody, is not broader than the title of the Act, nor is it such an abridgement of the right to sue out the writ of *habeas corpus* as to render that section of the Act unconstitutional.